

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IBEW LOCAL 90 PENSION FUND, on
behalf of itself and all others similarly
situated,

Plaintiffs,

vs.

DEUTSCHE BANK AG, *et al.*,

Defendants.

Case No. 11-cv-4209 (KBF) (ECF Case)

ORAL ARGUMENT REQUESTED

**NOTICE OF DEFENDANTS' *DAUBERT* MOTION TO EXCLUDE THE
DECLARATION AND ALL EXPERT TESTIMONY OF MICHAEL A. MAREK**

PLEASE TAKE NOTICE that, upon

- the Declaration of Roxana G. Labatt and the Exhibits thereto;
- the Declaration of Professor Joseph A. Grundfest and the Exhibits thereto;
- the Declaration of Professor Paul A. Gompers and the Exhibits thereto; and
- the Memorandum of Law submitted herewith,

Deutsche Bank AG ("Deutsche Bank") and the Individual Defendants will move this Court before the Honorable Katherine B. Forrest, United States District Judge for the Southern District of New York, at the United States Courthouse located at 500 Pearl Street, Courtroom 15A, New York, New York 10007, for an order, pursuant to Federal Rule of Evidence 702 and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), excluding the Declaration and all expert testimony of Plaintiffs' proffered market efficiency expert Michael A. Marek, and granting

such further relief as the Court deems just and proper. The grounds for this motion are set forth in the accompanying Memorandum of Law in Support of Defendants' Motion to Exclude the Declaration and All Expert Testimony of Michael A. Marek.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.1, any opposing affidavits and answering memoranda shall be served within fourteen days after service of moving papers and any reply affidavits and memoranda of law shall be served within seven days after service of the answering papers.

PLEASE TAKE FURTHER NOTICE that, because the relief requested in this motion is directly related to Plaintiffs' pending motion for class action certification, which by Order of the Court is presently scheduled for argument at 11:00 a.m., October 4, 2013, Defendants respectfully request oral argument on this motion at the same time.

Dated: August 29, 2013

CAHILL GORDON & REINDEL LLP

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